

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEROY WILLIAMS EL-BEY,

Plaintiff,

v.

_____,
Defendant.

No. C07-1920RSL

ORDER OF REMAND

The above-captioned matter was recently removed by plaintiff from state court. The underlying matter was initiated through a document entitled “Notice of Acceptance, Standing, and Status; Request for Remedy; Request for Waiver.” Dkt. # 5. No defendant was identified on the initial pleading, although Chris Williams, an Assistant Attorney General for the State of Washington, is identified as the defendant in subsequent filings.¹ The relief requested in the initial pleading includes a demand for certified copies of certain documents, the dismissal of unidentified charges, and the return of plaintiff’s children to his custody.

Generally, a defendant in state court has the right to remove the case to federal court if the case could have been filed originally in federal court (*i.e.*, on federal diversity or

¹ In a document submitted to this Court on March 31, 2008, plaintiff identifies four other individuals as defendants and mentions “RICO Title 18 Section: 1001.” Removal jurisdiction is evaluated based on the “well-pleaded complaint,” however, so this late-March submission is irrelevant to the issues before the Court.

ORDER OF REMAND

1 federal question grounds). See 28 U.S.C. § 1441(a). There is no provision allowing a plaintiff
2 who has chosen to commence an action in state court to later remove it to federal court: the
3 right of removal is vested exclusively in defendants. Shamrock Oil & Gas Corp. v. Sheets, 313
4 U.S. 100, 106-07 (1941). Even if the removal procedure had been properly followed, there is
5 no indication that federal jurisdiction exists. The operative pleading does not identify a
6 defendant, much less establish diversity of citizenship and/or the amount in controversy. Nor
7 does it appear that plaintiff's complaint raises a federal question. Because the removal statutes
8 are strictly construed against removal, these ambiguities must be resolved in favor of remanding
9 the case to state court. Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992).

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11 There being no basis for the exercise of federal jurisdiction, this matter is hereby
12 remanded to the Superior Court of Washington in and for the County of King.

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14 Dated this 8th day of April, 2008.

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16 Robert S. Lasnik
17 United States District Judge
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